

ORDERED that the Report and Recommendation of United States Magistrate Judge James B. Clark (ECF No. 45) is hereby **adopted** as the Opinion of the Court, and it is further;

ORDERED that Third Party Plaintiff Anello Brothers, Inc. is **dismissed without prejudice** from this action.



Claire C. Cecchi, U.S.D.J.

Date: March 14, 2014
Original: Clerk
cc: All Counsel of Record
Hon. James B. Clark, U.S.M.J.
File